

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROY ALBERT LEWIS,

No. C 07-1008 SI

Petitioner/Claimant,

**ORDER DENYING MOTIONS AND
DISMISSING ACTION**

v.

INTERNATIONAL MONETARY FUND
(I.M.F.), A/K/A THE FUND, INTERNAL
REVENUE SERVICE, DISTRICT DIRECTOR,
SPECIAL PROCEDURES FUNCTION
OFFICER and THEIR PRINCIPAL,

Plaintiffs/Libelants.

On August 10, 2006, Petitioner/Claimant Roy Albert Lewis was convicted by jury verdict of one count of conspiracy (18 U.S.C. § 371) and four counts of tax evasion (26 U.S.C. § 7201). See *U.S. v. Roy Albert Lewis*, No. CR 05-0638 SI. His motion for judgment of acquittal or, alternatively, for new trial was heard on January 29, 2007 and denied by written order dated February 9, 2007. His sentencing was scheduled for February 23, 2007.

This *pro se* civil action, titled “Libel of Review, Answer of Roy Albert Lewis and Cross-Complaint” and invoking this court’s admiralty and maritime jurisdiction, was filed on February 16, 2007. Included in the documents filed was a motion for a “special restraining order” and preliminary injunction, which would, among other things, stay and restrain further prosecution of the criminal action against Roy Albert Lewis.

This action, and the motions filed with it, are entirely without merit and Petitioner/Claimant Lewis cannot possibly win relief. Accordingly, the motions [docket entries 3 and 4] are DENIED and

1 this action is hereby DISMISSED *sua sponte* in accordance with Fed. R. Civ. P. 12(b)(6). *See Omar*
2 *v. Sea-Land Service, Inc.*, 813 F.2d 986, 991 (9th Cir. 1987)(“A trial court may dismiss a claim *sua*
3 *sponte* under Fed. R. Civ. P. 12(b)(6) Such dismissal may be made without notice where the
4 claimant cannot possibly win relief.”).

5
6 **IT IS SO ORDERED.**

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8 Dated: February 26, 2007



SUSAN ILLSTON
United States District Judge